

REMARKS

Status of the Claims

Claims 1-116 are pending. Claims 13, 14, and 85 are amended to correct obvious typographical errors. New claims 117-120 are added.

Support for new claims 117 and 118 may be found in the published Specification (2005003403) at least at Paragraphs [0021] and [0033] .

Support for new claim 119 may be found in the published specification at least at Paragraphs [0021]-[0024] and [0121]-[0127].

Support for new claim 120 may be found in the published specification at least at Paragraphs [0016], [0096], [0136], [0148], [0149], [0151] and [0153].

Applicants respectfully submit that no new matter is added by amendment.

Response to Restriction

Elections

The Action imposed a 145-way restriction requirement. The Applicants traverse the requirement, but provisionally elect the claims of Group(s) 2-46 (Claims 1-4, 6-7 and 13-20). Although the Action indicated that the Group(s) comprised Claims 14-20, Applicants note that Claim 13 was not included in any of the electable Groups. Since Claim 14 depends from Claim 13, Applicants assume that Claim 13 was meant to be included in Group(s) 2-46.

It is not entirely clear which of Group(s) 2-46 correspond to which tumor associated antigen. The Action further imposed, for Group(s) 2-46, the requirement that a single tumor associated antigen be elected. Applicants traverse the requirement, but provisionally elect carcinoembryonic antigen (CEA).

The election reads on claims 1-4, 6-7 and 13-20.

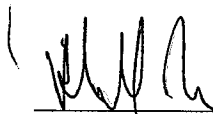
Traversal

Under 37 CFR 1.141, "more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim." Applicants submit that there are generic claims covering each of the required elections, for example, claims 1-4, 6, 7 and 13-16, are generic to all of the claimed species and all the claims to species in excess of one species are written in dependent form and depend from the generic claims.

Under 37 CFR 1.104, upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability. Applicants therefore submit that the claimed subject matter drawn to non-elected species should not be withdrawn, or in the alternative should be reentered in the case once the generic claims are found to be in condition for allowance.[MPEP ¶¶ 809, 809.02, 809.02(a), 809.02(c), 809.03 and 809.04]. Applicants request that as long as linking claims are pending in the application, the non-elected species not be required to be withdrawn.

Applicants have elected claims directed to a product. Under MPEP §821.04, the remaining process claims that depend from the elected product claims or otherwise include all the limitations of the product claims will be rejoined as a matter of right if the product claims are found allowable.

Respectfully Submitted,


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